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**1 – ADEQ moving forward with new air testing law despite concerns, KATV ABC, 6/10/13**

<http://www.katv.com/story/22552216/adeq-moving-forward-with-new-air-testing-law-despite-concerns>

The director of the Arkansas Department of Environmental Quality says a new state law will put the state's air quality regulations at odds with federal law and the consequences could be painful to state economic development.

**2 - Arkansas pipeline spill casts shadow over Keystone XL, LA Times, 6/07/13**

<http://articles.latimes.com/2013/jun/05/nation/la-na-arkansas-pipeline-20130606>

On warm spring evenings, North Starlite Drive buzzed with children. They cycled around the cul-de-sac at the end of the wide, block-long road, shot baskets in driveways and inevitably wound up on the swing set and trampoline behind the Bartletts' large brick house. These days, there are no children.

**3 - Attorneys General Warn EPA over 'Sue and Settle' Fracking Regulations, Heartland Institute, 6/11/13**

<http://news.heartland.org/newspaper-article/2013/06/11/attorneys-general-warn-epa-over-sue-and-settle-fracking-regulations>

Concerned that a threat of litigation by six northeastern states could give the Environmental Protection Agency cover to regulate hydraulic fracturing at the federal level, attorneys general from 13 energy-producing states have sent a letter to the agency upholding state primacy in overseeing fracking.

**4 - What happens in the backroom of a sue-and-settle lawsuit?, Washington Examiner, 6/9/13**

<http://washingtonexaminer.com/what-happens-in-the-backroom-of-a-sue-and-settle-lawsuit/article/2531305>

Is Big Green running things in President Obama's Environmental Protection Agency? Wake up and smell the corruption.

**5 BP oil spill cleanup ending in Mississippi, Alabama, and Florida, Coast Guard and BP say, New Orleans Times-Picayune, 6/10/13**

[http://www.nola.com/news/gulf-oil-spill/index.ssf/2013/06/bp\\_oil\\_spill\\_cleanup\\_ends\\_in\\_m.html](http://www.nola.com/news/gulf-oil-spill/index.ssf/2013/06/bp_oil_spill_cleanup_ends_in_m.html)

The [U.S. Coast Guard](#) and [BP](#) announced Monday that the company will end active [Deepwater Horizon oil spill cleanup operations](#) in Mississippi, Alabama and Florida by mid-June. A Coast Guard news release also said future response efforts in those states, if needed, will no longer be led by its Gulf Coast Incident Management Team, which will continue to oversee cleanup efforts in Louisiana.

**6 - Continued GOP/Vitter opposition threatens confirmation of Obama's EPA nominee, New Orleans Times-Picayune, 6/10/13**

[http://www.nola.com/politics/index.ssf/2013/06/continued\\_gopvitter\\_opposition.html](http://www.nola.com/politics/index.ssf/2013/06/continued_gopvitter_opposition.html)

[Gina McCarthy](#)'s nomination to head the [Environmental Protection Agency](#) remains on hold because of continued opposition by Republicans led by Louisiana Sen. [David Vitter](#).

**7 - Devon Energy Corp. executive receives environmental award, The Oklahoman, 6/10/13**

<http://newsok.com/devon-energy-corp.-executive-receives-environmental-award/article/3843020>

Devon Energy Corp. Executive Chairman Larry Nichols on Friday was awarded the Environmental Protection Agency's Phoenix Award for building the Devon Energy Center on a formerly polluted brownfield site.

**8 - Error leads to worries, temporarily, about Ponchatoula water quality, 6/10/13**

<http://www.therepublic.com/view/story/6778799a9d7c49948434fb2e068a254d/LA--Ponchatoula-Water>

Ponchatoula officials say an error in the state's collection or testing procedures caused worries among some residents that the city's water contained levels of a chemical far in excess of that considered acceptable by environmental officials.

**9 - Frisco's Exide cleanup to go on despite Chapter 11 filing, Dallas Morning News, 6/10/13**

<http://www.dallasnews.com/business/headlines/20130610-friscos-exide-cleanup-to-go-on-despite-chapter-11-filing.ece>

Battery maker Exide Technologies is seeking Chapter 11 bankruptcy protection as it attempts to restructure its U.S. business.

**10 - Program providing homeless, unemployed with job opportunities, 6/10/13**

<http://www.thv11.com/news/article/268316/2/Program-providing-homeless-unemployed-with-job-opportunities>

Armed with a \$200,000 grant, an Arkansas non-profit is currently training homeless adults and other unemployed individuals in the skills they need to become environmental technicians, capable of performing the cleanup of toxic sites in their communities.

**11 - Texas A&M-Qatar Announces First Holder Of Chair In Green Chemistry And Green Engineering, 6/10/13**

<http://tamutimes.tamu.edu/2013/06/10/texas-am-qatar-announces-first-holder-of-chair-in-green-chemistry-and-green-engineering/>

Texas A&M University at Qatar and Qatar Fertilizer Company (QAFCO) have announced a collaboration to bring a world-recognized environmental expert to Qatar. U.S. environmental policy and green chemistry expert Paul Anastas has been recognized as the first holder of the QAFCO Chair in Green Chemistry and Green Engineering at Texas A&M-Qatar.

**13 - Two Louisianans named to Gulf advisory group, BR Advocate, 6/11/13**

<http://theadvocate.com/news/6191602-123/two-louisianans-named-to-gulf>

Starting in July, a new advisory group to the National Academy of Sciences' Gulf of Mexico program will help decide what a new \$500 million, 30-year program will do.

**14 - Texans fret over pollution threat at abandoned wells , Greenwire 6/11/13**

<http://theadvocate.com/news/6191602-123/two-louisianans-named-to-gulf>

Texas landowners and residents are worried about lingering pollution caused by hydraulic fracturing at thousands of abandoned oil wells scattered across the state.

**15 - Experts urge Texas to focus on Mexican aquifers, Greenwire, 6/11/13**

<http://www.eenews.net/greenwire/2013/06/10/stories/1059982554>

At least 20 aquifers span the U.S.-Mexico border, and they're being mined at a record pace.

**16 - GAO Says Demand for Chemical Assessments Is Unclear, EPA Lacks Strategy to Meet Needs, BNA, 6/11/13**

[http://esweb.bna.com/eslw/1245/split\\_display.adp?fedfid=32048924&vname=dennotallissues&jd=a0d9g1n6r9&split=0](http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=32048924&vname=dennotallissues&jd=a0d9g1n6r9&split=0)

The Government Accountability Office said in a [report](#) June 10 that the Environmental Protection Agency does not know how many chemicals its offices, regions, or outside parties need evaluated through its Integrated Risk Information System (IRIS) program.

# ADEQ moving forward with new air testing law despite concerns



Karen Bassett, chief deputy director of the Arkansas Department of Environmental Quality, discusses changes to the state air quality permit application process during a meeting with business and industry representatives at ADEQ headquarters. (Rob Moritz photo)

[1](#)

By Rob Moritz

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LITTLE ROCK — The director of the Arkansas Department of Environmental Quality says a new state law will put the state's air quality regulations at odds with federal law and the consequences could be painful to state economic development.

Business and industry representatives disagree, arguing there is already an over-reliance on the use of the air modeling test and the process has hamstrung industries in recent years when they attempt to expand, increase production or change equipment.

“Even (the federal Environmental Protection Agency) has recognized that an over-reliance upon modeling is not the right approach,” said Randy Thurman, executive director of the Arkansas Environmental Federation, an association of about 300 manufacturers, utilities, local governments, solid waste districts, universities and service providers.

The Legislature this year passed, and the governor signed into law, Act 1302, which prohibits ADEQ from conducting its own computerized modeling to determine the air quality impact of a new factory or plant. Under the amendment to the state's air-pollution regulations, ADEQ must

rely solely on air pollution monitoring stations across the state. There are 15 such stations in Arkansas.

ADEQ Director Teresa Marks, who spoke against the proposal during the legislative session, said last week the department is moving forward with implementation of the law, through it could have negative consequences on the state's desire to develop and expand industry.

"It's the law, so we're going to enforce it to the best of our ability and ... this may put us in between our law and EPA," Marks said, adding that the federal agency could deny air permits and "the ultimate sanction would mean that they would remove our delegated program, which means they say, 'We're taking over (because) you guys aren't doing it right.'"

"That means you have an industry that is either trying to expand or trying to operate and they can't get their permit approved, and that's a big concern of ours," she said.

The permits can be for anything, from a furniture factory to a steel mill, she said.

Lawmakers in committee meetings defended the measures, saying they are not anti-environment but designed to reduce overburdening regulations on municipalities and businesses in the state.

Sen. Ronald Caldwell, R-Wynne, sponsor of the legislation, said he was approached by business and industry officials about the the legislation.

"One of the issues that they brought up is that Arkansas is the only state in the southeast region that measures air quality by the method in which we measure it at this present time," Caldwell said. "This bill would bring us more in line with the other states in the southeastern part of the United States and would give us a more competitive basis in trying to attract and retain industry."

The bill was crafted by the Energy and Environmental Alliance of Arkansas and at least one member of the Arkansas Environmental Federation, helped draft the legislation, Thurman said.

"Act 1302 was proposed by the permitted community because of ADEQ's growing reliance upon air emissions modeling in the face of increasingly stringent EPA ambient air standards," Thurman said.

Sally Graham, spokeswoman for Entergy Arkansas, said last week that the utility supports Act 1302.

"The act brings Arkansas into alignment with the way air permits are processed in our region," Graham said.

Marks said other environmental agencies in other states in the region might not routinely conduct the type of air quality modeling in dispute, but they are not prohibited by law to do so if needed.

“So if they have one that comes in that they are concerned about they always have the option of doing that modeling and the way it was in Arkansas,” she said, adding that modeling is done on about 25 percent of the nearly 200 permit applications received annually by ADEQ.

A screening model, however, is done all applications.

“We would do a screening model and ... based upon the national ambient air quality standards determine whether or not we feel like it was bumping up close enough,” she said. “Whether those emissions might contribute enough to add significant level emissions in that area.”

“We feel like that people throughout the state deserve clean air, so we’re trying to make sure that those quality standards are maintained throughout the state and definitely don’t want to make any of the areas go into non-attainment,” she said.

Marks also said the EPA has expressed concerns about Act 1302 and whether it might be counter to federal air quality law.

Thomas Diggs, associate director for air in EPA’s Region 6 office in Dallas, wrote in a June 5 letter to Mike Ross, chief of ADEQ’s air division, that Act 1302 “will affect ADEQ’s current air permit program and we would like to remind the ADEQ and its legal obligations under the Clean Air Act and the Arkansas State Implementation Plan to protect human health and the environment.”

Diggs wrote that EPA would review it’s authority under the Clean Air Act “and actions that may be necessary if the implementation of Act 1302 could result in a violation of applicable portions of the control strategy or interfere with attainment or maintenance of the” National Ambient Air Quality Standards.

Marks said her department’s job is to find a way to award air quality permits “in accordance with (our) state implementation plan and accordance with federal law.”

She said she worried that permits approved by ADEQ might not be approved by the EPA and if that happens, the federal agency could take over the state’s entire air permit process.

EPA also could withhold grant money to the state, she said.

Several environmental groups, including the Sierra Club Arkansas chapter, oppose Act 1302.

On Friday, more than 50 representatives of business and industry met with ADEQ officials at the department’s headquarters to discuss the permitting process under Act 1302. Those attending were provided with several sheets of information about how the new procedure for air permitting will work.

ADEQ Deputy Director Karen Bassett said the department is moving quickly to implement the new law because it took effect April 15, the day it was signed by the governor. She said it affects all future permit requests, as well as “those already in the pipeline.”

“Our goal in putting the documents together was to clarify as much as we could to the applicants about how processes were going to change so we could try and make things as soon as possible so you didn’t submit something and get it kicked back or have a whole bunch of questions that you weren’t anticipating,” she said.

## Arkansas pipeline spill casts shadow over Keystone XL

**A leak in March that spewed 210,000 gallons near a residential area in Mayflower, Ark., is cited by Keystone XL opponents as a fresh reminder of the peril posed by the pipeline project.**

By Neela Banerjee, Washington Bureau

MAYFLOWER, Ark. — On warm spring evenings, North Starlite Drive buzzed with children. They cycled around the cul-de-sac at the end of the wide, block-long road, shot baskets in driveways and inevitably wound up on the swing set and trampoline behind the Bartletts' large brick house.

These days, there are no children. Yellow police tape stretches across the turns from the main road onto the street. All 22 families who lived there are gone.

About 2:45 p.m. on March 29, an underground ExxonMobil oil pipeline ruptured in the woods behind the cul-de-sac. An estimated 5,000 barrels — or 210,000 gallons — of [oil splashed down North Starlite](#) into a drainage ditch, snaking into a cove off Lake Conway.

The families on the street evacuated immediately. Overwhelmed by the oil's burning-tire smell, other subdivision residents left too. People came back for an hour here and there to collect their belongings. "For Sale" signs popped up on lawns like a strange bloom.

The ExxonMobil Pegasus pipeline split open just as the Obama administration entered the final phases of review for the far bigger, controversial Keystone XL pipeline, handing ammunition to opponents who say that Keystone's path through major rivers like the Platte and the Missouri and over the Ogallala aquifer, the main freshwater source of the Great Plains, could lead to a catastrophe.

The Pegasus pipeline carried about 95,000 barrels a day, but Keystone XL would carry more than 800,000, making the consequences of a spill potentially far greater.

The project's supporters point out that while the Pegasus pipeline is more than 60 years old, Keystone XL would be outfitted with state-of-the-art spill prevention and alert technology.

But in April, the Environmental Protection Agency faulted the State Department, which is responsible for issuing the federal permit, for not demanding more spill safeguards in the Keystone XL project. A 2011 study of potential spills from Keystone XL by John Stansbury, a University of Nebraska professor of environmental and water resources engineering, concluded

that TransCanada, which would build and operate the pipeline, underestimated the size of potential spills.

"I don't agree with people who say a spill into the aquifer will ruin the whole aquifer. It would ruin a very small piece, but it's important if that's your small piece," Stansbury said. "But if it got into a major river, it could create a plume hundreds of miles long."

Thousands of miles of pipeline in the U.S. carry millions of barrels of oil and refined products daily. Most don't spill. But after a 20-year decline in pipeline accidents, there's been a slight uptick in the last eight or nine years, said Carl Weimer, executive director of the Pipeline Safety Trust, a Bellingham, Wash., watchdog group. New rules aimed at bolstering pipeline safety were rolled out in 2002 and 2006. But so far, the rules have not helped reduce the failure rate, Weimer said.

"We have looked long and hard and have not found any one particular problem," Weimer said. There are ["lots of different causes"](#), but it all seems to point to the fact that the industry is not paying enough attention," he said.

From May 2010 to May 2011, a new TransCanada pipeline from Alberta in Canada to Midwest refineries, Keystone I, spilled a dozen times, the largest about 21,000 gallons in North Dakota. In 2011, an ExxonMobil pipeline in Montana ruptured and spilled about 63,000 gallons of oil into the Yellowstone River.

The Assn. of Oil Pipe Lines, which recommends the swift approval of Keystone XL, said the data over the last several years represent a "short snapshot" of industry trends.

The association's spokesman, John Stooddy, said that over the last 10 years, the number of spills has fallen 59% and the volume of oil released by 43%. He noted that in 2011, the industry spent \$1.1 billion on safety measures.

The Arkansas spill on March 29 came to light when an ExxonMobil employee in a control room in Houston saw a sudden drop in pressure on the Pegasus line in Mayflower, a small town just north of Little Rock. Deciding it was not a false reading, ExxonMobil shut down the 850-mile pipeline from Illinois to Texas in 15 minutes.

The spill upended families, killed wildlife, polluted the air, water and wetlands, and raised fears about long-term health effects. Cleanup will continue for several months, monitoring of air and water probably longer.

Officials recently told some families they could return to their homes. So far, none have.

"I don't want to go back and then in five years something horrible would happen to one of my kids, like leukemia, or one of my children can't have kids," said Amber Bartlett, 35, a mother of four. "I would always think it was because we moved back, and I'd never be able to forgive myself."



Since the spill, Arkansas officials and residents have petitioned ExxonMobil to reroute a 13-mile portion of the Pegasus pipeline out of the watershed for Little Rock's drinking water source, Lake Maumelle.

"The big picture right now is that for the first time, the community is interested in the security of its water," said Dr. William Mason, branch chief of the Arkansas Department of Health, among those pushing for a change in the route. "A spill into surface water is one thing, but if it sinks below the surface, you can't clean that up."

ExxonMobil has made no decision so far about moving the pipeline. It has apologized to the community for the spill, and is paying for the emergency response, spill cleanup, temporary housing and other expenses of residents. A group of homeowners has filed a class-action suit against the company. The Arkansas attorney general is exploring litigation, and the company may face federal charges and fines.

"I recognize this happened and we need to make it right for people," said Karen Tyrone, vice president of operations for ExxonMobil Pipeline Co. "We are not finished in Mayflower, and we're not going anywhere."

Work crews are replacing the storm drains the oil raced through on North Starlite, leaving trenches in front of the tidy yards. White fabric booms for soaking up the oil zigzag across ditches, past a strip mall and into a marsh. The marsh itself has been scraped of vegetation and trees, so that oil-soaked soil can be dug away. For workers to clear the marsh, water from it is being pumped into Lake Conway, where families fish on sunny afternoons. Of the estimated 5,000 barrels spilled, about 2,500 have so far been recovered.

In an adjacent neighborhood, Linda Lynch and other residents stayed put, but now several complain of persistent coughs and nausea. Families that have returned have complained of headaches if they stayed longer than an hour. But the smell has abated, and air monitoring by the Environmental Protection Agency and ExxonMobil does not show high levels of pollutants.

Despite official reassurances, fears linger about potential health effects. "I don't think the authorities know that it's totally safe," Bartlett said. "And honestly, if they were to put themselves or their families in our position, they wouldn't want to go back either."

## Attorneys General Warn EPA over 'Sue and Settle' Fracking Regulations

June 11, 2013



### [Bonner R. Cohen](#)

Bonner R. Cohen is a senior fellow with the National Center for Public Policy Research, a position... [\(read full bio\)](#)

Concerned that a threat of litigation by six northeastern states could give the Environmental Protection Agency cover to regulate hydraulic fracturing at the federal level, attorneys general from 13 energy-producing states have sent a letter to the agency upholding state primacy in overseeing fracking.

#### **Non-Shale States' Threats**

The letter, produced at the urging of Oklahoma Attorney General Scott Pruitt, is further evidence of a growing rift between states with rich shale deposits of oil and natural gas, on the one hand, and the Obama administration and predominantly northeastern states, on the other. Pruitt was joined in the letter by his counterparts from Texas, Alabama, Arizona, Montana, Kansas, Nebraska, North Dakota, South Dakota, Ohio, Wyoming, and West Virginia.

The letter noted New York, Massachusetts, Delaware, Vermont, and Rhode Island have threatened to sue EPA to halt fracking. Of the states threatening to sue, only New York, whose Southern Tier includes the energy-rich Marcellus Shale, has substantial fossil-fuel deposits. But a moratorium on fracking in New York has kept the Empire State from participating in the energy boom that's boosting economic fortunes elsewhere in the Marcellus Shale region.

#### **'Friendly Lawsuits' Strategy**

A regional agreement between the northeastern states and EPA could provide a precedent for a lawsuit that could lead to the agency's expanding its regulatory power over fracking nationwide.

"EPA has appropriately declined to regulate methane emissions from new and existing oil and gas facilities under the Clean Air Act," Pruitt wrote. "It is abundantly clear that EPA should not succumb to the pressure intended by the northeastern states."

Pruitt in a separate statement warned of "friendly lawsuits," also known as "sue and settle" agreements.

"This apparent practice by EPA to engage in friendly lawsuits in order to circumvent the law is disturbing," he said. "The outcomes of these settlements have a real effect on families, businesses, communities, and state economies."

In typical sue-and-settle cases, environmental groups or state governments file lawsuits to force EPA or another federal regulatory agency to issue new regulations. If the agency is fundamentally in agreement with the suit filed against it, it often chooses not to defend itself. The resulting consent decree is negotiated without the participation of affected parties, such as local residents, businesses, landowners, or governments. Courts frequently rubber-stamp the agreement, which then carries the force of law.

### **EPA Studying Fracking**

It remains to be seen whether EPA will team up with northeastern states to craft a consent agreement that ultimately leads to federal regulation of fracking. The agency has so far declined to do so and deferred to the states to oversee fracking. But EPA is studying fracking effects on water and, given the Obama administration's consistent hostility to fossil fuel production, political leaders in shale states are clearly worried.

The geology and hydrology of shale formations vary widely not only from state to state but also within states. That complicates efforts to impose one-size-fits-all federal fracking regulations on the states. Energy producers and state officials also hope to avoid the inevitable red tape resulting from EPA regulatory actions.

"The states are in the best position to regulate hydraulic fracturing, as oil and gas resources are highly variable geographically," said Todd Wynn, director of energy, environment, and agriculture issues at the American Legislative Exchange Council.

"Unfortunately, sue-and-settlement agreements allow EPA to replace input from the states with that from professional environmental activists. During the last three presidential terms before Obama, sue-and-settle activity resulted in a cumulative total of 30 agreements. During President Obama's first term, however, there were 48 such agreements, representing a 380 percent increase on a per-term basis," Wynn observed.

The agreements punish states for developing resources, Wynn says. "This regulatory overreach will hurt state economies while creating little or no environmental benefits," he explained.

"Also, the states with shale oil and shale gas reserves are the ones who will experience any positive or negative impacts, and they are largely in favor of fracking," Wynn explained. "These state officials study the impacts, issue appropriate regulations, and oversee energy production that tremendously benefits residents in their respective states."

*Bonner R. Cohen, Ph. D. ([bcohen@nationalcenter.org](mailto:bcohen@nationalcenter.org)), is a senior fellow at the National Center for Public Policy Research.*

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# What happens in the backroom of a sue-and-settle lawsuit?

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The Washington Examiner

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*Beginning in 2009, 10 green groups including the Sierra Club and WildEarth Guardians filed lawsuits against EPA alleging that the agency had "missed the deadlines pertaining to the regional haze program." (Photo: Thinkstock)*

Is Big Green running things in President Obama's Environmental Protection Agency? Wake up and smell the corruption.

A virulent 2009 sue-and-settle lawsuit, WildEarth Guardians v. Jackson (as in Lisa Jackson, former EPA administrator) is an outrageous sweetheart deal rife with collusion and manipulation to create arbitrary regulations, along with the EPA takeover of state regulatory programs and a price tag of more than \$2.5 billion -- all aimed against the domestic fossil fuel industry.

William Yeatman of the Competitive Enterprise Institute discovered the details after a Freedom of Information Act request produced 659 pages of EPA emails.

"WEG's lawsuit centered on the EPA's regional haze program to improve visibility, which was created by Congress, which gave the states, not EPA, primacy to choose their own standards and controls for regional haze," Yeatman told me. "A federal court confirmed that authority, so how did EPA take it away from them?" he asked.

Buried in hundreds of EPA emails was the backroom story. Beginning in 2009, 10 green groups including the Sierra Club and WildEarth Guardians filed lawsuits against EPA alleging that the agency had "missed the deadlines pertaining to the regional haze program."

Rather than defend these cases, EPA simply chose to settle and sign a consent decree agreeing to new enforcement deadlines negotiated with the green groups, not the states, which weren't even notified. WEG's case dealt with the south-central states including New Mexico -- EPA Region 6 -- where the administrator was Al Armendariz, the man later forced to resign after a video became public of him expressing admiration for how the Roman legions used random crucifixions to enforce obedience among Roman subjects.

But CEI's EPA emails revealed a timeline that stank of collusion and corruption. Armendariz came straight from WildEarth Guardians, where he had worked on regional haze issues with Jeremy Nichols, director of WEG's climate and energy program (Nichols' main job was "to fight fossil fuels").

In June 2009, WEG filed its lawsuit against EPA; on Nov. 5, 2009, Armendariz was appointed Region 6 administrator; on Nov. 10 EPA settled new deadlines with WEG and presented a consent decree to the U.S. District Court for Northern California. Armendariz wouldn't be at his desk for another three weeks, but his connections in government and Big Green were well-known.

The point is that an activist who worked on regional haze for a plaintiff suing EPA switched sides to become an official of defendant EPA, and a settlement was reached in less than a week.

It gets worse. Once settled in, on Dec. 8, 2009, Armendariz emailed Nichols, "I've been on board exactly 1 week, and my life is already crazy. But if I can grab a free 15 minutes sometime soon I'd like to call and talk politics."

The "politics" was spending the next year manipulating the negotiated deadlines to trap the states and steal their authority -- evidently with Armendariz thinking that negotiating legal settlements with former colleagues isn't a conflict of interest.

On Nov. 4, 2010, he emailed an EPA colleague about a different lawsuit offering that "If needed, I can call Jeremy [Nichols] at WEG and grab R6 [EPA Region 6] an extended deadline."

An alarmed EPA lawyer had to inform him that he was recused from the WEG case -- a year late.

Yeatman said, "Then it was Washington politics at its worst. On the eve of the deadlines, the agency refused to approve the states' submissions or allegedly inadequate cost estimates (produced by the same contractor green groups used). There was no time for the states to fix things. EPA took control. Its new rules cost the states \$2.5 billion for almost undetectable results."

The revolving door between EPA and Big Green then flipped Armendariz into a comfy spot at the Sierra Club.

# BP oil spill cleanup ending in Mississippi, Alabama, and Florida, Coast Guard and BP say

[Mark Schleifstein, NOLA.com | The Times-Picayune](#) By [Mark Schleifstein, NOLA.com | The Times-Picayune](#)

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on June 10, 2013 at 11:13 AM, updated June 10, 2013 at 10:38 PM

The [U.S. Coast Guard](#) and [BP](#) announced Monday that the company will end active [Deepwater Horizon oil spill cleanup operations](#) in Mississippi, Alabama and Florida by mid-June. A Coast Guard news release also said future response efforts in those states, if needed, will no longer be led by its Gulf Coast Incident Management Team, which will continue to oversee cleanup efforts in Louisiana.

Response operations remain active along 84 shoreline miles in Louisiana, according to a BP news release, with another 20 miles in the state awaiting approval as being cleaned or awaiting final monitoring or inspection. There are 18 Coast Guard officials and 87 contract employees working on the Louisiana response, said Lieut. Cmdr. Natalie Murphy, with cleanup operations taking place on Grand Terre Island, Grand Isle, Fourchon Beach, Elmer's Island and part of West Timbalier Island.

She said there's still no time frame for the end of response efforts in Louisiana.

"This is another important step towards meeting our goal of returning the shoreline to as close to pre-spill conditions as possible while managing the scale of the response to meet conditions on the ground," said Capt. Duke Walker, Federal On-Scene Coordinator for the Deepwater Horizon Response.

Louisiana officials contend they have documented oil in locations along 200 miles of the state's coastline and have repeatedly objected to earlier proposals by the Coast Guard to reduce spill response operations in the state, and to require that oil finds in areas declared clean to be reported through the National Response Center.

"Resorting back to the legacy NRC system is flawed," said Louisiana Coastal Protection and Restoration Authority Chairman Garret Graves. "We have seen numerous times where responders have come hours or days later -- in some cases without access to boats.

"Coastal Louisiana is very dynamic," he said. You must have first responders capable of deploying immediately, or the oil will be reburied, wave-washed, or otherwise out of sight."

Graves said that during the past three years, workers have collected about 1.1 million pounds of oil and oily wastes from beaches and waters along Mississippi, Alabama and Florida, while in

the same period, more than 11 million pounds were collected in Louisiana, including more than 2 million pounds in the last three months.

"The take-away is that conditions in the eastern states versus Louisiana are night and day," Graves said. "It's premature. On the ground conditions should dictate cleanup, not someone's summer vacation schedule."

Graves said he also remains concerned about responses to oil resurfacing during and after tropical events this summer.

Under the new Coast Guard strategy, for Mississippi, Alabama and Florida, future sightings of oil or oily debris along their shorelines must be reported to the Coast Guard's National Response Center, which takes reports of releases of oil and other chemicals in water bodies around the nation and in the Gulf of Mexico and other U.S. ocean waters, and then contacts local Coast Guard marine response offices to have them checked out.

Sightings of oil can be reported to the National Response Center by calling 1-800-424-8802 or filing a report online at <http://www.nrc.uscg.mil/>.

"Transitioning these areas back to the NRC reporting process is part of the National Contingency Plan," said the Coast Guard news release. "The Coast Guard will maintain oversight of the responsible party and continue to follow established protocol including sampling, fingerprinting and other investigative means to identify the source of the pollution and find the responsible party. If oil is found to be MC252 oil, BP will be held accountable for the cleanup."

"We will continue to respond and cleanup MC252 oil that can be removed without further damaging the environment creating the conditions for continued restoration work," said Walker. "However, we've reached a point in some areas where the impact to the environmentally sensitive land outweighs the minimal amounts of oil being collected. Making the transition at this time will allow us to adjust to a smaller footprint for cleanup while being environmentally friendly."

The reduction in cleanup effort also was criticized by the National Wildlife Federation, which also cited concerns that tropical storms could result in more oil surfacing.

"As much as one million barrels of oil from the disaster remains unaccounted for, and tar mats and tar balls from the spill continue to wash up on the coast," said David White, director of the federation's Gulf of Mexico Restoration Campaign. "Regardless of how our shorelines are monitored, BP must be held accountable for the cleanup. We cannot just accept oiled material on our beaches and in our marshes as the 'new normal.' In particular, we need be sure that there is a rapid and proactive assessment and cleanup of our shorelines in the aftermath of storms."

According to the BP news release, the company has spent more than \$14 billion and 70 million personnel hours on response and cleanup activities in the aftermath of the April 2010 BP Macondo well blowout, which resulted in explosions and fire aboard the Deepwater Horizon drilling rig, the sinking of the rig and the death of 11 workers.



BP said cleanup operations ended on 4272 shoreline miles in the four states.

The company cleaned so-called "amenity beaches" in tourism areas to depths of up to 5 feet, using mechanical equipment to sift out oil and other debris and returning clean sand to the beach.

Where oil reached marshes, contractors tried to identify treatment methods that limited damage to plant life and wildlife.

"The transition is a significant milestone toward fulfilling our commitment to clean the Gulf shoreline and ensuring that the region's residents and visitors can fully enjoy this majestic environment," said Laura Folse, BP's Executive Vice President for Response and Environmental Restoration. "Even as the Coast Guard has made the decision to move these states to the National Response Center reporting system, should residual Macondo oil appear on the shoreline, BP remains committed and prepared to address it under the direction of the Coast Guard."

# Continued GOP/Vitter opposition threatens confirmation of Obama's EPA nominee

[Bruce Alpert, NOLA.com | Times-Picayune](#) By [Bruce Alpert, NOLA.com | Times-Picayune](#)

on June 10, 2013 at 5:19 PM, updated June 10, 2013 at 5:32 PM

WASHINGTON -- [Gina McCarthy](#)'s nomination to head the [Environmental Protection Agency](#) remains on hold because of continued opposition by Republicans led by Louisiana Sen. [David Vitter](#).

Vitter reiterated Monday his request that McCarthy provide documents requested by him and other Republicans on the [Senate Environment and Public Works Committee](#).

"On April 11, in your nomination hearing, you pledged to provide the Committee with relevant information we requested and that you would provide all documents and other information to the Committee in a timely manner," Vitter said in a letter to McCarthy. "This is especially important in connection with our ongoing pursuit of transparency."

Vitter spokesman Luke Bolar said of the documents requested by Vitter and other committee Republicans, less than 5 percent has been provided. That doesn't include, he said, requests that McCarthy commit to operating EPA with more transparency on issues such as Freedom of Information Act requests and settlement of lawsuits with environmental groups.

Vitter is the top Republican on the Environment and Public Works Committee.

McCarthy, currently assistant administrator of EPA, was nominated March 4 by [President Barack Obama](#) to replace New Orleans native Lisa Jackson as the agency administrator. A Boston native, McCarthy has worked for more than two decades as an environmental administrator, including a stint as the environmental adviser for former Massachusetts Gov. Mitt Romney, the 2012 GOP presidential nominee.

Bloomberg Business Week reported that one of the requests from Vitter -- data supporting a link between air pollution and premature death -- was compiled by Harvard University two decades ago and confidentiality agreements with thousands of participants prevent researchers from making it public. Even EPA can't access the Harvard analysis, Business Week said.

According to Business Week, Vitter has said that he would filibuster the McCarthy nomination without the Harvard data. The energy industry has disputed some of the links between air pollution and early death. It's more than a philosophical disagreement -- the data justified some of EPA's regulatory action on diesel engines, industrial boilers and coal-generated power plants.

Environmentalists have accused Vitter and Republicans of demanding so much information in an effort to paralyze the agency.

"She's answered more than 1,000 questions from committee Democrats and Republicans," said Frances Beinecke, president of the Natural Resources Defense Council. "She's demonstrated a strong commitment to protect our air, water, land and health. And no one is better qualified to lead this vital agency at a time of mounting climate crisis."

Vitter said he and fellow Republicans aren't being unreasonable.

Vitter pointed to the delay of a confirmation vote for Allison MacFarlane to head the Nuclear Regulatory Commission, due to a request by Environment and Public Works Committee Chairwoman Barbara Boxer, D-Calif., for nearly 70,000 documents. Vitter said the delay worked because Boxer got the information she requested.

Democrats are conceding the McCarthy nomination is in jeopardy. Senate Majority Leader [Harry Reid](#), D-Nev., said he wouldn't schedule a Senate vote on her nomination until July.

Senate Democratic Whip [Dick Durbin](#), D-Ill., said he isn't sure whether McCarthy, or Labor Secretary nominee Thomas Perez, has the 60 votes needed to break a filibuster. Perez is another Obama nominee being held up by Vitter and the Republicans.

Some Democrats are pressing Reid and Durbin to change Senate rules so that key presidential and judicial nominations can be confirmed with a simple majority of the 100-member Senate -- rather than the 60 votes now routinely required by Republicans.

# Devon Energy Corp. executive receives environmental award

Devon Energy Corp. Executive Chairman Larry Nichols on Friday was awarded the Environmental Protection Administration's Phoenix Award for building the Devon Energy Center on a formerly polluted brownfield site.  
From Staff Reports • Published: June 8, 2013



Larry Nichols, Devon Energy executive chairman, and Mathy Stanislaus, EPA assistant administrator of the Office of Solid Waste and Emergency Response, are shown Friday with the Phoenix Award presented to Devon Energy in Oklahoma City. Photo by Paul B. Southerland, The Oklahoman **PAUL B. SOUTHERLAND**

Devon Energy Corp. Executive Chairman Larry Nichols on Friday was awarded the Environmental Protection Agency's Phoenix Award for building the Devon Energy Center on a formerly polluted brownfield site.

“This is a tremendous project,” EPA Assistant Administrator Mathy Stanislaus said of the Devon Energy Center. “You had a site with contamination. You could have left it the way it was, but it takes a great vision and a great partnership to realize the tremendous asset of not only the property, but also the value of re-energizing downtown and re-energizing the community with this project.”

The EPA cited Devon's efforts to recycle the materials in the previous structure and to construct the new building with energy efficient features.

“It's a surprise to us to get this award because we are an oil and gas company,” Nichols said.

“To get an environmental award of this prestige from the EPA is a testament to what we did with this building. It's not anything we anticipated getting. We were surprised and delighted to receive it.”

# Error leads to worries, temporarily, about Ponchatoula water quality.

- THE ASSOCIATED PRESS
- June 11, 2013 - 4:35 am EDT

- [AAA](#)

PONCHATOULA, Louisiana — Ponchatoula officials say an error in the state's collection or testing procedures caused worries among some residents that the city's water contained levels of a chemical far in excess of that considered acceptable by environmental officials.

The Hammond Star reports (<http://bit.ly/11vpOSO>) that the chemical is commonly known by the initials DEHP. And the report said levels were more than seven times the safe maximum set by the Environmental Protection Agency.

The city's water and sewer superintendent provided the newspaper with documentation from tests which showed the chemical was present at much lower levels.

"I hate that we had that error and that we had to alarm citizens by sending the information out," said Superintendent Dave Opdenhoff . "Some people have called stating that they had been buying bottled water due to their concerns about the quality of the water. Our city water is perfectly safe for drinking."

The initial report on the city website listed five contaminants in city water as coliform, fluoride, P. dichlorobenzene, lead and di(2-ethylhexyl) phthalate also known as DEHP.

The first four contaminants registered exceptionally small values, well below the EPA accepted level. DEHP however registered a high value of 45.63 which was over seven times the EPA maximum contaminant level, according to the report.

Opdenhoff said that if the level were really that high, it would have triggered a full-scale state investigation.

"The state would have come out to see if the contaminate was there and attempt to determine how it happened," he said. "You have to understand that it takes thousands of years for a drop of water to get to the aquifer, a figure this high would be more a sign of someone intentionally trying to contaminate the water supply."

Intentionally tampering with the water supply would be very difficult due to the depth of the water table so it would be highly unlikely that such tampering could occur, he said.

# Frisco's Exide cleanup to go on despite Chapter 11 filing



From staff and wire reports

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Updated: 10 June 2013 09:32 PM

MILTON, Ga. — Battery maker Exide Technologies is seeking Chapter 11 bankruptcy protection as it attempts to restructure its U.S. business.

The Milton, Ga., company said its international operations are excluded from the filing, which it made Monday in U.S. Bankruptcy Court in Delaware.

Exide makes batteries for vehicles and provides stored electrical energy services for industrial applications.

It said that a highly leveraged balance sheet has limited its ability to invest in its businesses and that unprecedented increases in product costs have hurt its balance sheet. Those increases have been driven mainly by the North American market price for scrap lead.

Cleanup at Exide's former battery recycling plant in Frisco will continue as planned despite the bankruptcy filing, city and state officials said Monday.

"I don't view that as a huge negative in our process," Frisco Mayor Maher Maso said.

"We had anticipated this," Maso said. "We've done the background on this. We are confident that we'll continue to move forward."

Exide and Frisco reached an agreement last year to close the secondary smelter that's been recycling used auto batteries in the city for decades. The Frisco plant ended operations in November.

As part of that agreement, about \$6 million was set aside in escrow accounts to help cover the costs of dismantling the plant and cleaning up contamination on Exide's property.

Testing to determine the extent and nature of contamination at the site is being overseen by the Texas Commission on Environmental Quality and the U.S. Environmental Protection Agency.

The commission said Monday that it has “a strong and well-established bankruptcy program for dealing with such issues. The agency, in conjunction with the office of the attorney general, will pursue all appropriate avenues for environmental compliance.”

Exide’s voluntary petition for Chapter 11 protection prevents debt collectors from collecting amounts owed by the company. It does not change the work schedules of its plants, corporate offices or branches, and the company expects to continue serving both U.S. and international customers.

The company also said it plans to pay U.S. employees as usual and does not expect material changes to their benefits.

Exide says it has negotiated \$500 million in financing that will help cover operating expenses after the filing. Its board of directors has named Robert M. Caruso chief restructuring officer. Caruso is a managing director of the restructuring firm Alvarez and Marsal.

The battery maker said in April that it had hired the financial advisory firm Lazard to help it explore financing options. It had reported a string of quarterly losses before then.

Shares of Exide have plunged since closing out 2012 at \$3.42. The stock closed at 20 cents Friday and then fell further Monday to close at 19.5 cents.



## Print - Program providing homeless, unemployed with job opportunities | todaysthv.com

thv11.com

3:17 PM, Jun 10, 2013

Little Rock, AR ([Arkansas Construction Education Foundation](#)) - Armed with a \$200,000 grant, an Arkansas non-profit is currently training homeless adults and other unemployed individuals in the skills they need to become environmental technicians, capable of performing the cleanup of toxic sites in their communities. The Arkansas Construction Education Foundation (ACEF) was awarded the grant from the U.S. Environmental Protection Agency (EPA) to create the program, train participants to safely perform the work and then help place them with employers, doing environmental and green construction. The training is being conducted at ACEF's training facility in Little Rock.

ACEF has partnered with homeless support organizations like Our House and Better Community Developers (BCD) and the Little Rock Compassion Center to recruit homeless men and women as participants in the program. According to the executive director of ACEF, Steve Schaeffer, "It is our goal to complete and place 100 program participants over five training cycles during the next two years".

Those selected for the program will receive training in courses such as: Hazardous Waste Operations and Emergency Response (HAZWOPER), Asbestos Worker Training, Your Role in the Green Environment and Confined Space Entry. Upon completion of the four-week, 124 hour program, the graduates will carry certifications and certificates of completion that will qualify them for jobs in the environmental and green construction fields. "After surveying area employers, I was assured that the individuals with these credentials will stand out as prime candidates to be hired into the jobs they would have open", stated Schaeffer. A Maumelle contractor, Snyder Environmental, is also a partner in the grant program and has committed to hiring several of the graduates from each of the training cycles.

The program's second round of training begins on June 24. Applications for the jobs training program are being distributed by homeless support organizations and are also available at the Little Rock Workforce Center, 5401 S. University Avenue.

June 10, 2013

### [Texas A&M-Qatar Announces First Holder Of Chair In Green Chemistry And Green Engineering](#)

Texas A&M University at Qatar and Qatar Fertilizer Company (QAFCO) have announced a collaboration to bring a world-recognized environmental expert to Qatar. U.S. environmental policy and green chemistry expert Paul Anastas has been recognized as the first holder of the QAFCO Chair in Green Chemistry and Green Engineering at Texas A&M-Qatar.

Anastas is internationally regarded as the “Father of Green Chemistry” through his pioneering work on sustainability at the molecular level and his breakthroughs that have made chemical manufacturing cleaner, safer and more efficient.



Paul Anastas

Texas A&M at Qatar strives to provide state-of-the-art engineering education and research which places it at the forefront of green technology and innovation, and is committed to environmentally sustainable development as put forward in the Qatar National Vision 2030.

Anastas, who has served as the assistant administrator for the U.S. Environmental Protection Agency (EPA) and the agency science advisor to the U.S. President, will also become an adjunct professor of chemistry at the university. Anastas' scientific merits and worldwide reputation in the field of green chemistry led to a unanimous committee decision to post him to this prestigious position that focuses on teaching and research and in which he will give research seminars, teach Texas A&M at Qatar students and interact with local industry. It is expected

Anastas will also initiate research projects with funding from the Qatar National Research Fund and local Qatar industry.

Mark H. Weichold, dean and CEO of Texas A&M at Qatar, said, “The appointment of Dr. Anastas is a great honor for the university as it strives to be a major contributor to sustainability in Qatar and a partner in the environmental and scientific development of the nation. We believe his work as the QAFCO Chair in Green Chemistry and Green Engineering at Texas A&M University at Qatar will play a vital role in the continuing transformation of Qatar into a knowledge-based society and act as an example of leadership and excellence to the university’s students and the wider community.”

Khalifa Abdulla Al-Sowaidi, QAFCO CEO and vice-chairman, said, “This initiative is a continuation of a relationship that started in 2008, when we partnered for the QAFCO-Texas A&M University at Qatar Chemistry Conference, wherein we witnessed some of the best minds in chemistry coming here and enlightening us. QAFCO sees the Texas A&M at Qatar partnership as the meeting point of ideas with industrial scale pragmatism. We see this as a platform where ideas of mutual benefit can be discussed and promoted to help in furthering the cause of a green sustainable world.”

### **About Texas A&M University at Qatar**

Texas A&M University, recognized as having one of the premier engineering programs in the world, has offered undergraduate degrees in chemical, electrical, mechanical and petroleum engineering at Qatar Foundation’s Education City campus since 2003, and graduate courses in chemical engineering since fall 2011. Almost 300 engineers have graduated from Texas A&M at Qatar since 2007. In addition to engineering courses, Texas A&M at Qatar provides classes in science, mathematics, liberal arts and the humanities. All four of the engineering programs offered at Texas A&M at Qatar are accredited by ABET. The curricula offered at Texas A&M at Qatar are materially identical to those offered at the main campus in College Station, Texas, and courses are taught in English in a co-educational setting. The reputation for excellence is the same, as is the commitment to equip engineers to lead the next generation of engineering advancement. Faculty from around the world are attracted to Texas A&M at Qatar to provide this educational experience and to participate in research activities now valued at over \$135 million, and that address issues important to the State of Qatar. Visit [www.qatar.tamu.edu](http://www.qatar.tamu.edu).

# Two Louisianans named to Gulf advisory group

By AMY WOLD

Advocate staff writer

June 11, 2013

[0 Comments](#)

Starting in July, a new advisory group to the National Academy of Sciences' Gulf of Mexico program will help decide what a new \$500 million, 30-year program will do.

The program was set up as part of a settlement with BP and Transocean Ltd. after the 2010 Deepwater Horizon disaster in the Gulf of Mexico.

The settlement outlines the program's focus of human health, environmental protection and oil system safety in the Gulf of Mexico and the outer continental shelf of the United States. Within those topics, the program is supposed to look at research and development, education and training, and environmental monitoring.

How that is done will be the focus of the advisory group's work over the next year.

"Their main task is really to figure out what this program is going to do," said Chris Elfring, director of the Gulf program at the National Research Council.

Because the mission is so broad, ranging from environmental monitoring to human health, Elfring said they tried to put together the most diverse group they could. The list of members includes experts in oceanography, biology, computer science, ecology, public health, sociology and psychology.

"We know those are the areas we are working in, but what does that mean," Elfring said.

A major task of the advisory group will be to figure out what the focus of the first three to five years of the program should be, she said.

The advisory group will also need to look at what is already being done, or planned for, in other programs, including through the RESTORE Act which will allocate a different pot of oil spill-related money.

The first meeting of the advisory group is scheduled to be in New Orleans sometime in July, and there will be opportunities for public involvement as the process moves forward, Elfring said.

Robert Carney, professor with the department of oceanography and coastal sciences at LSU, and Kerry St. Pé, executive director of the Barataria-Terrebonne National Estuary Program, are the two Louisiana-based members of the 24-member advisory group.

Carney said he hadn't talked to Elfring yet, but imagines the advisory group will lean toward a program that emphasizes a larger picture.

"When we look at the Gulf, we really need to start viewing it as a part of a global system," he said.

St. Pé said that he wants to make sure that practical research is considered such as how oiled areas are cleaned up to what oil in the environment means.

"I just want to make sure the many, many proposals they'll receive will be looking at the right places," St. Pé said.

For information and to sign up for newsletters about the project, go to [www.nas.edu/gulfprogram](http://www.nas.edu/gulfprogram).

## Texans fret over pollution threat at abandoned wells

Published: Monday, June 10, 2013

Texas landowners and residents are worried about lingering pollution caused by hydraulic fracturing at thousands of abandoned oil wells scattered across the state.

Many of the wells were created in the early and mid-20th century, long before regulations were put in place that would keep liquid pollutants from entering groundwater.

"Not every unplugged well leads to pollution, but a high percentage of wells that are left unplugged do present pollution hazards," said Scott Anderson, an oil and gas expert with the Environmental Defense Fund.

For years, lawmakers have tried to address the issue. A few decades ago, a program paid for by drilling fees was created to seal abandoned wells. And recently, cleanup requirements for equipment such as tanks have been tightened. Still, as of April, about 8,400 abandoned wells remain unplugged, said Christi Craddick, a member of the Railroad Commission of Texas, which regulates oil and gas drilling.

"Clearly, the industry realizes that we need to plug the wells because they could be a pollution threat," she said.

Anderson warned that hydraulic fracturing added more risk, though most operations happen below the bottom of old wells.

"If the fracture intersects that unplugged well, then it could easily find a fast path up the drinking water table," he said (Kate Galbraith, [\*Texas Tribune\*](#), June 9). -- **JE**

## 26. WATER:

### Experts urge Texas to focus on Mexican aquifers

Published: Monday, June 10, 2013

At least 20 aquifers span the U.S.-Mexico border, and they're being mined at a record pace.

That's why Texas lawmakers should shift their focus to groundwater instead of surface water to solve their drought problems, said Gabriel Eckstein, a professor at the Texas Wesleyan University School of Law and the director of the International Water Law Project.

"I know you have a lot of agricultural interests in the Valley, yelling and screaming about water in the Rio Grande; that is going to continue," said Eckstein. But of the 14 million people living near the border, "80 or 90 percent of them get their water from aquifers."

Texas lawmakers, farmers and environmentalists have become increasingly vocal about Mexico's water debt. The two countries have a 70-year-old treaty in which Mexico is supposed to deliver water from the tributaries feeding the Rio Grande in exchange for water from the Colorado River.

State leaders have called on the Obama administration to force Mexico to comply with the treaty, something it has been slow to do.

"I would suggest that focusing on just the rivers is a mistake," said Eckstein. "Every state is pumping based on its own rules without actually quantifying how much water is in the aquifers" (Julián Aguilar, [\*New York Times\*](#), June 8). -- MM

## Risk Assessment

### GAO Says Demand for Chemical Assessments Is Unclear, EPA Lacks Strategy to Meet Needs



#### **BNA Snapshot**

##### Chemical Assessments Underpinning Regulations

**Key Development:** GAO says EPA does not know how many chemicals its offices or outside parties need evaluated through its Integrated Risk Information System program and that the agency lacks a strategy to fill unmet needs.

**What's Next:** EPA agrees in part with the GAO's conclusions and says it will evaluate the potential demand for IRIS assessments, estimate resources necessary to meet that need, and provide its rationale for selecting the chemicals it evaluates.

*ByPat Rizzuto*

The Government Accountability Office said in a report June 10 that the Environmental Protection Agency does not know how many chemicals its offices, regions, or outside parties need evaluated through its Integrated Risk Information System (IRIS) program.

EPA also lacks a strategy to fill unmet needs arising from the absence of IRIS assessments it cannot develop, GAO said in *Chemical Assessments: An Agencywide Strategy May Help EPA Address Unmet Needs for Integrated Risk Information System Assessments*.

GAO prepared the report at the request of Sen. Barbara Boxer (D-Calif.), who chairs the Senate Environment and Public Works Committee.

In a response included in the GAO report, EPA Acting Administrator Bob Perciasepe said the agency would evaluate the potential demand for IRIS assessments, estimate resources necessary to meet that need, and provide its rationale for selecting the chemicals it evaluates.

EPA asked GAO, the investigative arm of Congress, to clarify another part of the report's recommendations that urged the agency to develop a strategy to fill data gaps in cases where the lack of toxicity information prevented the IRIS program from preparing a chemical assessment. Perciasepe diverged from another GAO recommendation that EPA develop agencywide "guidance that describes alternative sources of toxicity information and when it would be appropriate to use them when IRIS values are not available, applicable, or current."

The development of such guidance is best left to individual EPA programs, Perciasepe wrote, adding the GAO's report described ways the superfund, water, and other offices currently address their unmet needs for chemical assessments.

#### Numerous Reports on IRIS Problems



IRIS assessments contain EPA's conclusions about the human health effects that may result after exposure to various chemicals and the doses at which those effects would manifest. EPA's regulatory and regional offices, as well as state and some foreign governments, combine this information with exposure information to characterize the risk a particular situation poses. Risk managers combine those analyses with feasibility information, cost-and-benefit calculations, and interested parties' perspectives to determine whether a water standard, air regulation, or other risk management action is needed.

GAO has issued a number of reports since 2008 describing protracted procedures and other problems that have resulted in growing criticism of the IRIS program generally, and its low productivity and lack of transparency, in particular. GAO issued its most recent report in April (83 DEN A-12, 4/30/13).

EPA has been trying to address those concerns through revised IRIS review procedures it announced in 2009 and initiatives by Kenneth Olden, the director of EPA's National Center for Environmental Assessment, which runs the IRIS program, announced soon after he became director in 2012. Olden said May 30 the IRIS program will announce additional reforms soon (107 DEN A-9, 6/4/13).

GAO's *Chemical Assessments* report focused on other core IRIS issues: knowing how many chemicals need to be evaluated and having ways to address those needs when the IRIS program does not.

#### No Recent Needs Assessment

EPA has not conducted a needs assessment since Congress told it to do so through language that accompanied its fiscal year 2001 appropriations (Pub. L. No. 106-377), GAO said. The Senate report accompanying that bill, S. Rept. 106-410, directed EPA to increase the pace at which it completed IRIS assessments and “conduct needs assessments with public input to determine the need for increasing this annual rate of updates to existing IRIS files ... as well as the need to add new IRIS files for chemicals not now included.”

The needs assessment EPA prepared concluded 50 new or updated IRIS assessments were needed annually, but “the agency does not plan to perform another evaluation of demand,” GAO said in *Chemical Assessments*.

“Without a clear understanding of current demand for IRIS toxicity assessments, EPA cannot adequately measure the program's performance; effectively determine the number of IRIS toxicity assessments required to meet the needs of IRIS users; or know the extent of unmet demand,” the report said. EPA needs that information, GAO said.

#### Strategy to Identify Toxicity Data Needed

In addition, the agency needs a strategy to identify toxicity data needed to develop IRIS assessments, which it cannot prepare due to the absence of such information, GAO said.

Other agencies, such as the National Toxicology Program, may be sources of such information, GAO said.

The report listed sources of toxicity information that EPA programs, regions, states, and other governmental bodies use when IRIS toxicity assessments are not available.

EPA should develop agencywide guidance to help analysts identify appropriate alternative sources of toxicity data, GAO said.